

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 33 – SB 401

March 6, 2019

SUMMARY OF BILL: Adds private process servers to the list of individuals authorized to personally serve a copy of a warrant or summons on behalf of a landlord in an action for forcible entry and detainer to regain possession of the landlord's real property.

ESTIMATED FISCAL IMPACT:

On February 15, 2019, a fiscal note was issued estimating the following:

Decrease Local Revenue – Exceeds \$4,000

Based on further analysis, this estimate was determined to be in error. The fiscal impact is:

(CORRECTED)

Decrease Local Revenue – Exceeds \$4,000/Permissive

Assumptions:

- Under current law, Tenn. Code Ann. § 29-18-115(e)(1), a copy of a warrant or summons personally served by a sheriff, sheriff's deputy, or constable to any named defendant who has a contractual or possessory property right in the subject premises is good and sufficient for the landlord to regain possession of the landlord's property.
- The proposed legislation authorizes private parties to deliver such service of process.
- Pursuant to Tenn. Code Ann. § 8-21-901, sheriffs and constables are entitled to demand and receive \$40 per service of process.
- Should private parties be chosen to deliver service of process, the proposed legislation could result in at least 100 fewer deliveries of service of process by sheriffs or constables for such actions statewide.
- The total recurring permissive decrease in local revenue resulting from this legislation is estimated to exceed \$4,000 (\$40 x 100).
- Any recurring decrease in local expenditures is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj